

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RAWLE GASKIN, : CIVIL ACTION NO. 13-5686 (MLC)
Plaintiff, : **MEMORANDUM OPINION**
v. :
UNITED STATES DEPARTMENT OF :
VETERANS AFFAIRS, :
Defendant. :
_____ :

THE PLAINTIFF asserts in this action that he was wrongfully terminated from federal employment in violation of the Family and Medical Leave Act ("FMLA"). (See dkt. entry no. 1, Compl.) The Court ordered the plaintiff to show cause why the Complaint should not be dismissed for lack of subject-matter jurisdiction, as federal employees: (1) are barred from bringing a private cause of action under the FMLA against federal employers; and (2) must first seek relief against federal employers for FMLA violations through an administrative grievance process that includes, inter alia, proceedings before the Merit Systems Protection Board and potential subsequent judicial review. (See dkt. entry no. 3, Order to Show Cause at 1-3 (citing relevant case law).)

THE COURT ordered that the plaintiff would be deemed to be in support of dismissal of the Complaint if the plaintiff did not respond to the Order to Show Cause by November 21, 2013. (Id. at 3.) The plaintiff has not responded. Therefore, the Court will

(1) grant the Order to Show Cause, and (2) dismiss the Complaint.

The Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: November 22, 2013